IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.24012 of 2004

Between:

N.S.Ramaiah, Proprietor, Jaiabharat Cinema Touring Talkies, Jarajapupeta villge,Nellimerla Mandal
Vizianagaram District

..... PETITIONER

AND

1 The Regional Provident Fund Commissioner, Employees Provident

Fund Organisation, Andhra Pradesh,
Bhavishyanidhi Building, Barakatpura, Hyderabad
2 The Assistant P.F. Commissioner, EPF Organisation, Sub Regional

Office, VUDA Layout Marripalem
NAD Post, Visakhapatnam-530 009.
3 The Recovery Officer, EPF Organisation, Sub Regional Office, VUDA

Layout Marripalem
NAD Post, Visakhapatnam
4 Nalli Rama Rao S/o Narayana
R/o Jarajapupeta (V) Nellimarla (M) Vizianagaram District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any Writ, order or direction particularly one in the nature of Mandamus declaring the action of the Respondents 2 and 3 in Seizing the Unit without any notice and without affording any opportunity to the petitioner herein besides taking action under the relevant provisions of EPF & MP Act., 1952 without appreciating the Provisions of Law under the Cine Workers and Cinema Workers (Employment & Regulation) Act, 1981 vis-a-vis Registration under Shops & Establishments Act,

1988 and passing ex-parte orders and thus causing undue hardship to the petitioner herein as illegal, un-lawful, unjust, against the principles of natural justice and ultra-vires the Articles 14, 16 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.S.J.RAO

Counsel for the Respondent Nos.1 to 3: Smt. Kavita Yadav

Counsel for the Respondent No.4: ----

The Court, at the admission stage, made the following:

ORDER:

The present writ petition is filed questioning the proceedings dated 22.08.2003 initiated by the second respondent under Section 14-B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952
(for short the Act) and the consequential order of attachment of immovable property dated 25.11.2004.

Heard learned counsel for petitioner and learned Standing Counsel for respondents.

Though several contentions are raised questioning the impugned order, learned Standing Counsel for respondents submits that against the impugned order an appeal lies under section 7 (I) of the Act and that without availing the said remedy the petitioner has approached this Court in a haste manner.

Since alternative efficacious remedy is provided under the Act, the petitioner is at liberty to file an appeal under section 7 (I) of the Act, within a period of four weeks from today. Pending appeal, there shall be stay of all further proceedings pursuant to order dated 22.08.2003, on condition of petitioner depositing 50 % of the amount demanded vide proceedings dated 22.08.2003, within six weeks from toady. No coercive steps shall be taken pending appeal.

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N.V.RAMANA,J

23-12-2004.

TVK

To

1 The Regional Provident Fund Commissioner, Employees Provident

Fund Organisation, Andhra Pradesh,
Bhavishyanidhi Building, Barakatpura, Hyderabad

2 The Assistant P.F. Commissioner, EPF Organisation, Sub Regional

Office, VUDA Layout Marripalem
NAD Post, Visakhapatnam –530 009

3 The Recovery Officer, EPF Organisation, Sub Regional Office, VUDA

Layout Marripalem
NAD Post, Visakhapatnam – 530 009

4 Two CD copies.